% 10.01.2007

Present: Mr.S.Satyanarayana for the petitioner
Mr.Navin Chawla with Mr.Ratnesh for respondent

+CM 371/2007 in CM(M) 49/2007

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Allowed subject to just exceptions.

CM(M) 49/2007 & CM 370/2007

1. Though notice has yet to be issued, counsel as above appears for the respondent.

2. A perusal of the impugned order shows that the learned trial judge has not recorded, either way, any prima facie opinion on the dispute. On deposit of 50% of the impugned bill, recovery of balance has been stayed.

3. The order does not show whether petitioner's application under Order 39 Rule 1 & 2 CPC has been decided or is kept pending.

4. Of the 50% deposit to be made, 25% has been deposited by the petitioner. Remaining 25% has to be deposited on or before 2.2.2007.

5. Since impugned order gives no clue as to what weighed with the learned Judge, with consent of parties I dispose of the petition directing that the learned Additional

Signature Not Verified
Certify that the digital file and physical file have been compared and the digital data is as per the physical file and no page is missing.

District Judge shall hear Suit No.115/2006 on 24th January, 2007. On said date petitioner's application for injunction shall be heard and decided.

6. Since the present order is being passed in presence of counsel for the parties, it shall be duty of the counsel to ensure appearance before the learned trial judge on 24.1.2007.

7. Necessary decision would be taken by the learned Judge on or before 2.2.2007, the date for payment of the next installment fixed in the impugned order.

8. Copy of this order would be supplied dasti by the registry to learned counsel for the petitioner as also the respondent within 3 days from today.

January 10, 2007 PRADEEP NANDRAJOG, J
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